REMARKS

I. Summary of the Office Action

Claims 1-51 and 69-98 were pending in this application. Of these, claims 80-83 and 95-98* have been withdrawn from consideration as being directed to a non-elected invention.

The Examiner has finally rejected claims 75 and 90 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, 18, 19, 21-23, 25, 26, 28-30, 32, 33, 35, 36, 38-40, 42, 43, 45-47, 49, and 50** were finally rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kaminski et al. U.S. Patent Application Publication No. 2003/0121055 ("Kaminski"). Claims 7, 14, 24, 31, 41, and 48 were finally rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Kaminski. Claims 3, 10, 17, 20, 27, 34, 37, and 44 were finally rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Kaminski in view of Vallone et al. U.S. Patent No. 6,847,778 ("Vallone"). Claims 69-74, 77-79, 84-89, and 92-94 were finally rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Kaminski in view of West et al. U.S. Patent Application Publication No. 2003/0110514 ("West").

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* In the Office Action Summary on Form PTOL-326, claims 69-98 are incorrectly listed as withdrawn from consideration.

** In the Office Action, page 7, the rejection of claims 8, 9, 11-13, 25, 26, 28-30, 42, 43, and 45-47 under 35 U.S.C. § 102(e) in view of Kaminski is not indicated; however, the rejections appear in the Examiner's discussion of Kaminski.

II. Summary of Applicants' Reply

This reply is being filed with a Request for Continued Examination of this application under 37 C.F.R. § 1.114. Accordingly, the finality of the rejection should be withdrawn and prosecution of this application should continue.

Applicants have amended the specification and the drawings in order to correct certain typographical errors.

Applicants have cancelled claims 15-17, 32-34, and 49-51 without prejudice. Applicants have amended claims 1, 3, 8, 18, 20, 25, 35, 37, and 42 to more particularly define the invention. No new matter has been added, and the amendments of the claims are fully supported by the originally filed application.

III. Applicants' Reply to the Rejections under 35 U.S.C. § 112

Claims 75 and 90 were finally rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. These rejections are respectfully traversed.

Claims 75 and 90 were rejected because "the specification, while being enabling for displaying a transport control bar with a first and second segment which are visually distinguishable, does not reasonably provide enablement for distinguishing between programs which were recorded automatically and those based on user request" (Office Action, page 3). Applicants respectfully disagree.

The Examiner points to applicants' specification at paragraph 222, which states that the "transport control

bar 3200 may also display information when the user activates a recording option to record a particular program (as opposed to automatic recording of content into a buffer)." The Examiner alleges that the specification does not teach that the transport control bar can be configured to visually distinguish between programs which were recorded automatically and those based on user request. Specifically, the Examiner contends "[t]he recited 'displaying information when a user activates a recording option' does not reasonably provide enablement for distinguishing between scheduled recordings and automatically buffered content" (Office Action, page 4).

However, applicants respectfully submit that visually distinguishing between scheduled recordings and automatically buffered content is fully enabled by the specification as originally filed. Specifically, at least page 68, line 32, to page 69, line 3, of the specification establishes that "[t]he interactive television program guide application may ... change the color or other characteristics associated with the buffer of the recorded content to indicate that it corresponds to a user requested recording." Further,

> the visual appearance of a buffer region that designates automatically recorded content may be distinguishable from the visual appearance of a region of the transport control bar that designates content that is being recorded at the request of the user. For example, the buffer region for automatically recorded content may be displayed as the color green, whereas the buffer region for content that is being recorded at the request of the user may be displayed as the color red.

Applicants' specification at page 77, lines 17-27.

Therefore, visually distinguishing between time segments "based on whether a first and second program were recorded automatically or based on user request," as required by applicants' claims 75 and 90, is readily derivable from material in the specification as filed. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph, of claims 75 and 90 be withdrawn.

IV. Applicants' Reply to the Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16, 18, 19, 21-23, 25, 26, 28-30, 32, 33, 35, 36, 38-40, 42, 43, 45-47, 49, and 50 were finally rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kaminski. These rejections are respectfully traversed.

A. Claims 1, 18, and 35

Applicants' invention, as defined by amended independent claims 1, 18, and 35, is directed to a method and systems for providing information about a currently broadcasting program. The currently broadcasting program is displayed. A scheduled start time and a scheduled end time associated with the currently broadcasting program are received. An adjusted start time and an adjusted end time, based on at least one change in a running time of the currently broadcasting program, are then received and a transport control interface indicating a time length of the currently broadcasting program is then displayed. The transport control

interface also indicates at least one time segment of the time length of the currently broadcasting program that has been recorded.

For example, start times and end times may be adjusted based on changes in the running time of a currently broadcasting program if a live event, such as a sporting event, runs longer than originally scheduled. *See* applicants' specification at page 71, lines 1-15.

Kaminski refers to a GUI that assists the user in navigating to, and between, buffered media content instances (Kaminski, FIG. 4 and ¶ 77). The GUI includes a progress bar that is a representation of the user's current position in a buffered media content instance (*e.g.*, a TV show) relative to the currently tuned media content instance. *Id.* The progress bar indicates the media content instance time boundaries, and is labeled with the media content instance information. *Id.* For example, FIG. 4 shows a screen display depicting a progress bar for a media content instance buffered into a time shift buffer.

Kaminski does not show or render obvious (1) receiving an adjusted start time and an adjusted end time based on at least one change in a running time of a currently broadcasting program, or (2) displaying a transport control interface that indicates a time length of the currently broadcasting program based on the adjusted start time and on the adjusted end time. Rather, title portion 427 of FIG. 4 includes the title of the buffered media content instance associated with the current progress bar 410 and the

originally scheduled media content instance start and end time (Kaminski, ¶ 77). As shown in FIG. 4, the scheduled start and end times for Who Wants to Be a Millionaire are 9:00PM and 10:00PM. Because the start and end times are merely the originally scheduled start and end times of the media content instance, Kaminski does not anticipate (1) receiving an adjusted start time and an adjusted end time based on at least one change in a running time of a currently broadcasting program, or (2) displaying a transport control interface that indicates a time length of the currently broadcasting program based on the adjusted start time and on the adjusted end time, as required by applicants' claims 1, 18, and 35.

Applicants respectfully submit that for at least these reasons, independent claims 1, 18, and 35, and by extension dependent claims 2-7, 19-24, and 36-41, are not anticipated by Kaminski.

B. Claims 8, 25, and 42

Applicants' invention, as defined by amended independent claims 8, 25, and 42, is directed to a method and systems for providing information about at least two programs. A currently broadcasting program and a transport control interface are displayed. The transport control interface indicates a first time segment associated with the recording of the currently broadcasting program. When playing of the currently broadcasting program is finished, the end of the playing is determined, and the subsequent broadcasting program is displayed. The transport control interface is also modified

in response to determining that playing of the currently broadcast program is finished. The transport control interface is modified to display the first time segment as well as a second time segment associated with the recoding of the subsequent broadcasting program.

For example, if a user tunes to a program that subsequently ends and a new program begins, the interactive television program guide application may modify the display of the transport control bar such that the buffer region represents what has been recorded since recording began, including a first time segment for the first program and a second time segment for the subsequent program. *See* applicants' specification at page 73, line 25 to page 74, line 5.

Kaminski does not show or render obvious displaying a first time segment and a second time segment associated with a recording of a subsequent broadcasting program. Rather, Kaminski displays a time segment for only one media content instance in a given screen. See, for example, FIG. 6 of Kaminski which includes a single media content instance, *i.e.*, the Drew Carey show. Kaminski includes a bar arrow 638 on the left hand side of progress bar 610 which represents that there exists a buffered media content instance before the Drew Carey Show (*i.e.*, Who Wants to Be a Millionaire of FIG. 5). *See* Kaminski, ¶ 79. However, an indicator such as bar arrow 638, that references recorded content, is not equivalent to a first time segment of a program. Bar arrow 638 of FIG. 5 does not display a first time segment from the progress bar of FIG. 4.

Accordingly, Kaminski does not display a first time segment and a second time segment associated with a recording of a subsequent broadcasting program, as required by applicants' claims.

Applicants respectfully submit that for at least these reasons, independent claims 8, 25, and 42, and by extension dependent claims 9-14, 26-31, and 43-48, are not anticipated by Kaminski.

V. Applicants' Reply to the Rejections under 35 U.S.C. § 103

A. Claims 7, 14, 24, 31, 41, and 48

Claims 7, 14, 24, 31, 41, and 48 were finally rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Kaminski.

Applicants' invention, as defined by dependent claims 7, 14, 24, 31, 41, and 48, includes, *inter alia*, that the at least one time segment represents at least one portion of a program that has been recorded in response to a specific user command to record the program.

The Examiner has taken Official Notice that "it is well within the scope of a PVR to record a program in response to a specific user command." (Office Action, pages 7 and 8). Applicants respectfully traverse the Examiner's Official Notice.

The Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (*see* MPEP

§ 2144.03(A)). Applicants submit that although the features above may now be well known, there is no objective basis to conclude that this concept was well known beyond dispute as of applicants' date of invention (applicants' application was filed March 18, 2004). Therefore, applicants traverse the Official Notice because it is at least disputable whether the noticed concept was well-known at the time of applicants' invention. If the Examiner maintains the rejection, applicants respectfully request that the Examiner provide a reference in support of the Official Notice (*see* MPEP § 2144.03(C)).

B. Claims 69 and 84

Claims 69-74, 77-79, 84-89, and 92-94 were finally rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Kaminski in view of West. These rejections are respectfully traversed.

Applicants' invention, as defined by independent claims 69 and 84, is directed to a method and system for providing information about at least two programs. A first program that has been recorded or is currently being recorded is displayed on a display. A transport control bar is provided on the display with the first program, the transport control bar having a first time segment that corresponds to the first program. The first time segment indicates a first length of time that the first program has been recorded. The transport control bar also has a second time segment, visually distinguishable from the first time segment, wherein the second time segment corresponds to a second program that has been

recorded or is currently being recorded. The second time segment indicates a second length of time that the second program has been recorded.

For example, a buffer region may initially contain only recorded content of a currently tuned channel, and the buffer region showing the recorded content may be of a generic color. *See* applicants' specification at page 84, line 26 to page 85, line 5. When a user tunes to another channel, for example, and begins recording that channel's content into the buffer, the interactive television program guide application may assign different colors or patterns, etc. to distinguish the buffer regions associated with the previously tuned to channel and the currently tuned to channel in the transport control bar. *Id.*

The Examiner concedes that Kaminski "does not explicitly teach simultaneously displaying segments corresponding to more than one program on the transport control bar" and relies on West to make up for the deficiencies of Kaminski. However, applicants respectfully submit that Kaminski and West, even in combination, fail to show or render obvious providing a transport control interface with a first segment that corresponds to a first program and a second segment, visually distinguishable from the first time segment, that corresponds to a second program.

First, applicants respectfully submit that West does not show or render obvious this feature. West depicts in FIG. 11A a surf buffer 1130 that includes a list of surfed media content instances from a plurality of displayed channels

(West, ¶ 109). Upon a user's selection of surf buffer 1130 of FIG. 11A, the user is presented with a progress bar for a specific media content instance as shown in FIGS. 12-15 (West, ¶ 110). Applicants' claims 69 and 84 patentably improve upon West because applicants provide, on a single transport control bar, a first segment that indicates the length of time the first program has been recorded and a second segment, visually distinguishable from the first time segment, that indicates the length of time the second program has been recorded. Neither surf buffer 1130 nor the individual progress bars of West show or render obvious this feature.

Second, Kaminski and West, even in combination, do not show or render obvious this feature. In the Office Action, the Examiner apparently attempts to address the deficiencies of Kaminski and West by contending that,

> it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of the surf buffer [of West's FIG. 11A] to show multiple recorded programs on one progress bar taught by West into the [progress] bar of Kaminski to allow users of Kaminski's system easier access to their recorded programs and better control over their PVR buffer.

Office Action, page 9.

However, applicants respectfully submit that West itself teaches the use of individual progress bars, each corresponding to a single recorded program. As described above, selection of a media content instance from the surf buffer of FIG. 11A merely directs a user to the traditional

progress bar screens of West's FIGS. 12-15, in which only a single media content instance is provided.

Viewed another way, applicants' invention defined by claims 69 and 84 addresses a problem similar to the one addressed by West, namely, providing access to transport control bars of multiple recorded programs. However, applicants and West solve this problem in two different ways. Applicants' solution includes combining multiple time segments into a single transport control bar, while West's solution relies on a surf buffer listing multiple media content instances, each providing access to a corresponding progress bar when selected. The progress bar that is displayed in response to such a selection in West is substantially similar to the progress bar shown in FIG. 4 of Kaminski. Thus, one of ordinary skill in the art, given the disclosure of Kaminski and West, would have no reason to reject the solution of West and develop and arrive at the solution defined by applicants' claims 69 and 84. In contending that it would have been obvious to one of ordinary skill in the art to do so, the Examiner is apparently relying on nothing but impermissible hindsight derived from applicants' claims.

Applicants respectfully submit that for at least these reasons, independent claims 69 and 84, and by extension dependent claims 70-79 and 85-94, are patentable over Kaminski and West.

VI. Conclusion

For the reasons stated above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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APPENDIX